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PATENT  
Docket No.: 2308/250  
TC 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	: Ian James Whitworth	)	Examiner:
Serial No.	: 09/936,457	)	Rossi, Jessica
Cnfrm. No.	: 4123	)	Art Unit:
Filed	: March 12, 2002	)	1733
For	: METHOD AND APPARATUS FOR	)	
	MANUFACTURING INNERSPRING	)	
	ASSEMBLIES	)	

DECLARATION OF IAN JAMES WHITWORTH  
UNDER 37 C.F.R. § 1.131

**Mail Stop:**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Ian James Whitworth, pursuant to 37 C.F.R. § 1.131 declare that:

1. I am the inventor of the above-identified patent application.
2. The claimed invention is the subject of U.S. Patent Application Serial No. 09/936,457, which was filed as a §371 of International Patent Application No. PCT/GB00/00917, and claims priority from U.K. Patent Application No. 9905964.4, filed March 17, 1999.
3. Exhibit 1 is a true copy of the Official Filing Receipt issued by the U.S. Patent and Trademark Office for U.S. Serial No. 09/936,457, and Exhibit 2 is a

true copy of the bibliographic details cover page published by the International Bureau of the World Intellectual Property Organization for PCT/GB00/00917.

4. Prior to September 15, 1998, I conceived, in the U.K., the invention claimed in the above-identified patent application. Evidence of this conception prior to September 15, 1998, is provided in Exhibit 3. For purposes of this declaration, the date has been removed from Exhibit 3, as indicated by the REDACTED notation.

5. Exhibit 3 is a true copy of a schematic drawing of the present invention, prepared for a meeting with a patent adviser from the law firm that then acted for my company, prior to September 15, 1998. During this meeting, I was advised that, in the adviser's opinion, my invention was not patentable, and that the invention would infringe an existing EP Patent. Discouraged by this advice, I took no further action to reduce the invention to practice at that time.


6. During a subsequent meeting with another adviser, in this case a U.K. Chartered Patent Attorney, to discuss another invention of mine, I again sought advice regarding the present invention. The advice that I received from this attorney was much more positive, and I therefore instructed him to proceed with the preparation and filing of a U.K. patent application for the invention. Exhibit 4 is a true copy of the attorney's diary showing this meeting, and Exhibit 5 is a true copy of the attorney's file note relating to the meeting. For purposes of this declaration, the dates (and unrelated subject matter) have been removed from Exhibits 4 and 5, as indicated by the REDACTED notations. The application was timely drafted and filed as U.K. Patent Application No. 9905964.4 on March 17, 1999.

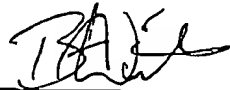
7. From the date of conception of the invention, which was prior to September 15, 1998, I diligently put forth effort to reduce the invention to practice through:

- (1) meeting with two different patent advisers;
- (2) the filing of a U.K. Patent Application on March 17, 1999;
- (3) the subsequent filing of a PCT Patent Application on March 13, 2000; and
- (4) the timely PCT national stage filing of U.S. Patent Application Serial No. 09/936,457, on September 13, 2001.

I hereby declare that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 28/6/04

  
Ian James Whitworth

  
Witness